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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,160	03/01/2004	Subash Kalbarga	60046.0068US01	9971

7590 12/17/2007
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EXAMINER

GUPTA, MUKTESH G

ART UNIT	PAPER NUMBER
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4121

MAIL DATE	DELIVERY MODE
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12/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,160	Applicant(s) KALBARGA, SUBASH	
	Examiner MUKTESH G. GUPTA	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/14/2007, 11/05/2007, 05/22/2007, 11/03/2006,</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>05/26/2006, 11/10/2005, 04/11/2005, 01/31/2005, 10/21/2004, 05/24/2004.</u> | |

DETAILED ACTION

1. **Claims 1-20** have been examined and are pending.

Information Disclosure Statement

2. An initialed and dated copy of the information disclosure statements (IDS) submitted on 11/14/2007, 11/05/2007, 05/22/2007, 11/03/2006, 05/26/2006, 11/10/2005, 04/11/2005 01/31/2005, 10/21/2004 and 05/24/2004 are attached to this office action. NPL references crossed-out are not relevant to application under examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-20** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication No. 20030226015 to Neufeld et al., (hereinafter "Neufeld").

As to Claim 1, Neufeld anticipates method for communicating with a computer management device, the method comprising (as stated in par. 0034, lines 2-3, par. 0035, lines 1-2, *managed server (with computer management device) connected and communicating with a remote console by a network*, virtually *any* sort of *network* capable of *transmitting/receiving (communicating) data between two devices*):

defining one or more vendor specific commands for communicating with the management device, said vendor specific commands conforming to a first communication standard (as stated in par. 0034, lines 8-10, par. 0035, lines 1-2, *managed server* includes *special circuitry (remote server management controller)* embedded in managed server or connected as separate *remote server management controller device* and software for capturing, analyzing, compressing and *transmitting (communicating)* video activity to the *remote console* independent of an *operating system* over virtually *any sort of network (multiple communication standards)* capable of *transmitting data (vendor specific commands)* between two *devices*);

and transmitting the one or more vendor specific commands to the management device over a communications link conforming to a second communication standard (as stated in par. 0035, lines 1-7, *network* capable of *transmitting data* between two *devices*, without limitation, a *local area network*, a *wide area network*, a hardwired *point-to-point connection*, a *point-to-point connection* over a

telecommunications line, a wireless connection, and an Internet connection (multiple communication standards)).

As to Claim 2, Neufeld anticipates method of Claim 1, further comprising:

emulating a device on the communications link, the emulated device conforming to the second communication standard (as stated in par. 0064, lines 1-4, par. 0062, lines 1-10, and par. 0057, lines 1-4, wide range of ***USB devices*** and ***virtual USB peripherals*** could be ***emulated*** by the ***IOP***, input output processor of the ***remote server management controller*** via the ***USB interface, USB host controller, RS-232 interface, USB Ethernet controllers, SCSI controllers***, attached ***storage devices, ATB unit, address translation bus*** for ***communicating*** between plural ***types of devices*** . ***Users*** on ***remote console*** may ***connect*** and ***communicate remotely*** to the ***remote server management controller*** via the Ethernet interface or modem, using a remote console ***application*** running on a ***remote console*** anywhere on the network that includes ***managed server***);

receiving the one or more vendor specific commands at the management device (as stated in par. 0064, lines 1-4 and par. 0062, lines 1-10, ***users*** engage in ***out-of-band communication*** with the ***remote server management controller*** for the purpose of ***accessing*** emulated ***devices, diagnosing, correcting*** and/or ***preventing problems*** with the ***managed server***);

determining whether the one or more vendor specific commands are destined for the emulated device (as stated in par. 0063, lines 1-15, users ***commands***

interpreted by remote server management controller may **establish "virtual USB peripherals"** that will be seen **recognized** and allow **communication** with any USB-aware OS on **managed servers**);

in response to determining that the one or more vendor specific commands are not destined for the emulated device, utilizing the received vendor specific commands for communicating with the management device (as stated in par. 0053, lines 1-15, **remote server management controller's** I/O controller **monitors** and **controls** a wide **range** of **conditions** in the **managed server** via the **slave instrumentation module** and the **remote console redirection module**).

As to Claim 3, Neufeld anticipates method of Claim 2, further comprising utilizing data contained in the received vendor specific commands to configure the management device in response to determining that the one or more vendor specific commands are not destined for the emulated device (as stated in par. 0053, lines 1-15, specific commands from users to **remote server management controller's** are processed by an independent computer system's embedded I/O controller which includes an Input/Output processor ("IOP"), and provides **general control** and functions as a management processor for the remote server management controller **configuration** and **management**).

As to Claim 4, Neufeld anticipates method of Claim 3, wherein configuring the management device comprises setting a network address of the management

device based upon the contents of the received vendor specific commands (as stated in par. 0059, lines 1-10 and par. 0062, lines 1-5 embedded I/O controller provides a **plurality** of **communication interfaces** that can be employed to establish out-of-band **communication sessions** with the remote server management controller. Users may connect remotely to the remote server management controller via the Ethernet interface by **configuring** and **setting** the **network address**).

As to Claim 5, Neufeld anticipates method of Claim 2, further comprising in response to determining that the one or more vendor specific commands are not destined for the emulated device:

determining the coordinates of a user input cursor on a remote computer system (as stated in par. 0048, lines 1-10, In the operation of the remote management controller, the I/O processor periodically **reads** the **video graphics data** from the frame buffer to determine **cursor coordinates** and whether the **data** has **changed**);

and returning the coordinates in response to the received vendor specific commands (as stated in par. 0048, lines 1-10, If the **data** has **changed**, the I/O processor will compress the video graphics data and **transmit** the data to the remote console via one of the communications devices, modem or NIC. The remote console will decompress and decode the data stream and **display** it at the **remote console** for viewing by the user and vice-versa).

As to Claim 6, Neufeld anticipates method of Claim 2, wherein the first communication standard comprises the SCSI standard, the second communication standard comprises the USB standard, and wherein the emulated device comprises a USB mass storage device (as stated in par. 0065, lines 1-4 and par. 0062, lines 1-10, wide range of **USB devices** and virtual USB **peripherals** could be **emulated** by the input output processor of the **remote server management controller** via the **USB interface, RS-232 interface, USB Ethernet controllers** and **SCSI controllers. USB storage devices** floppy drives and CD drives provide additional capability from a remote management point of view because the USB interface allows the **remote server management controller** to act as a host for hot-pluggable **storage devices**. This capability allows remote server management controller to mount additional storage volumes to the managed server in an OS-independent fashion).

As to Claim 7, Neufeld anticipates computer-readable medium having computer executable instructions stored thereon which, when executed by a computer, cause the computer to perform the method of claim 1 (as stated in par. 0062, lines 1-10, **Users** on **remote console** may **connect** and **communicate remotely** to the **remote server management controller** via the Ethernet interface or modem, using a **remote console application** which is **executed** and **running** on a **remote console** or **computer** anywhere on the network that includes **managed server**).

As to Claim 8, Neufeld anticipates computer-controlled apparatus capable of performing the method of claim 1 (as stated in par. 0053, lines 1-15, (as stated in par. 0053, lines 1-15, **remote server management controller's** I/O controller **monitors** and **controls** a wide range of **conditions** in it self, via the **slave instrumentation module** and the **remote console redirection module**).

As to Claim 9, Neufeld anticipates method for communicating with a computer management device, the method comprising:

emulating a mass storage device at the management device, the mass storage device made available on a communication link conforming to a first communication standard; (as stated in par. 0064, lines 1-4, par. 0062, lines 1-10, and par. 0057, lines 1-4, wide range of **USB devices** and **virtual USB peripherals** could be **emulated** by the **IOP**, input output processor of the **remote server management controller** via the **USB interface, USB host controller, RS-232 interface, USB Ethernet controllers, SCSI controllers**, attached **storage devices, ATB unit, address translation bus** for **communicating** between plural **types of devices** . **Users** on **remote console** may **connect** and **communicate remotely** to the **remote server management controller** via the Ethernet interface or modem, using a remote console **application** running on a **remote console** anywhere on the network that includes **managed server**);

receiving at the management device one or more vendor specific commands directed toward the mass storage device, the vendor specific commands conforming

to a second communication standard and transmitted to the management device over the communication link conforming to the first standard (as stated in par. 0057, lines 1-14, address translation and bridging ("ATB") unit is ***operatively coupled*** to the ***internal local bus*** and to a ***PCI bus***. PCI bus is integral within and operatively coupled with the managed server. ATB unit allows the remote server management controller to ***decode bus cycles*** on the PCI ***bus*** and to ***communicate*** over the PCI bus by ***initiating bus cycles*** of the ***managed server***);

determining whether the received vendor specific commands are intended for communicating with the emulated mass storage device or for communicating with the management device(as stated in par. 0063, lines 1-15, users ***commands*** interpreted by remote server management controller may ***establish "virtual USB peripherals"*** that will be seen ***recognized*** and allow ***communication*** with any USB-aware OS on ***managed servers***);

and in response to determining that the one or more vendor specific commands are intended for communicating with the management device, utilizing the received vendor specific commands for communicating with the management device (as stated in par. 0053, lines 1-15, ***remote server management controller's*** I/O controller ***monitors*** and ***controls*** a wide ***range*** of ***conditions*** in it self, via the ***slave instrumentation module*** and the ***remote console redirection module***).

As to Claim 10, Neufeld anticipates method of Claim 9, wherein the first communication standard comprises the USB standard and wherein the second

communication standard comprises the SCSI standard (as stated in par. 0065, lines 1-18, par. 0064, lines 1-4, par. 0062, lines 1-10, and par. 0057, lines 1-4, wide range of **USB devices** and **virtual USB peripherals** could be **emulated** by the **IOP**, input output processor of the **remote server management controller** via the **USB interface, USB host controller, RS-232 interface, USB Ethernet controllers, SCSI controllers**, attached **storage devices, ATB unit, address translation bus** for **communicating** between plural **types of devices. USB storage devices**, floppy drives and CD drives provide additional capability from a remote management point of view because the **USB interface** allows the **remote server management controller** to act as a host for hot-pluggable **storage devices**. This capability allows remote server management controller to mount additional storage volumes to the managed server in an OS-independent fashion and **hardware independent fashion**).

As to Claim 11, Neufeld anticipates method of Claim 10, wherein the emulated mass storage device comprises an emulated CD-ROM device on a USB communication link (as stated in par. 0065, lines 1-18, **USB storage devices as** floppy drives and **CD drives** provide additional capability from a remote management point of view because the **USB interface** allows the **remote server management controller** to act as a host for hot-pluggable **storage devices**. This capability allows remote server management controller to mount additional storage

volumes to the managed server in an OS-independent fashion and ***hardware independent fashion***).

As to Claim 12, Neufeld anticipates method of Claim 11, wherein utilizing the received vendor specific commands comprises utilizing the vendor specific commands to configure the management device (as stated in par. 0053, lines 1-15, specific commands from users to ***remote server management controller's*** are processed by an independent computer system's embedded I/O controller which includes an Input/Output processor ("IOP"), and provides ***general control*** and functions as a management processor for the remote server management controller ***configuration*** and ***management***. ***Remote server management controller's*** I/O controller ***monitors*** and ***controls*** a wide ***range*** of ***condition*** in it self, via the ***slave instrumentation module*** and the ***remote console redirection module***).

As to Claim 13, Neufeld anticipates method of Claim 11, further comprising in response to determining that the one or more vendor specific commands are intended for communicating with the management device:

determining the coordinates of a user input cursor on a remote computer system (as stated in par. 0048, lines 1-10, In the operation of the remote management controller, the I/O processor periodically ***reads*** the ***video graphics data*** from the frame buffer to determine ***cursor coordinates*** and whether the ***data*** has ***changed***);

and returning the coordinates in response to the received vendor specific commands (as stated in par. 0048, lines 1-10, If the **data** has **changed**, the I/O processor will compress the video graphics data and **transmit** the data to the remote console via one of the communications devices, modem or NIC. The remote console will decompress and decode the data stream and **display** it at the **remote console** for viewing by the user and vice-versa).

As to Claim 14, Neufeld anticipates computer-readable medium having computer executable instructions stored thereon which, when executed by a computer, cause the computer to perform the method of claim 9. (as stated in par. 0062, lines 1-10, **Users** on **remote console** may **connect** and **communicate remotely** to the **remote server management controller** via the Ethernet interface or modem, using a **remote console application** which is **executed** and **running** on a **remote console** or **computer** anywhere on the network that includes **managed server**).

As to Claim 15, Neufeld anticipates computer-controlled apparatus capable of performing the method of claim 9 (as stated in par. 0053, lines 1-15, **remote server management controller's** I/O controller **monitors** and **controls** a wide **range** of **conditions** in it self, via the **slave instrumentation module** and the **remote console redirection module**. **USB storage devices** floppy drives and CD drives provide additional capability from a remote management point of view because the

USB interface allows the **remote server management controller** to act as a host for hot-pluggable **storage devices**. This capability allows remote server management controller to mount additional storage volumes to the managed server in an OS-independent fashion).

As to Claim 16, Neufeld anticipates system for managing a computer, the system comprising:

a computer supporting a first communication link that conforms to a first communication standard, the computer operative to transmit one or more vendor specific commands that conform to a second communication standard over the first communication link (as stated in par. 0040, lines 1-10, par. 0041, lines 1-15, I/O bridge of **managed server** provides **bridging** for one or more expansion **busses**, that may be coupled to **various peripheral devices**. The PCI bus is coupled to I/O slots and to a **SCSI controller** which, in turn, is coupled to a plurality of disk drives. The south bridge is an integrated multifunctional component with **universal serial bus** ("USB") host controller for providing a universal serial bus connected to a pair of USB connectors for **communicating** with **USB devices**);

and a management device connected to the computer via the first communication link, the management device operative to (as stated in par. 0057, lines 1-14, **address translation** and **bridging** ("ATB") unit of the **remote server management controller** is **operatively coupled** to the **internal local bus** and to a **PCI bus**. PCI bus is integral within and operatively coupled with the **managed**

server. ATB unit allows the remote server management controller to **decode bus cycles** on the PCI **bus** and to **communicate** over the PCI bus by **initiating bus cycles** of the **managed server**):

emulate a mass storage device on the first communication link, to receive the vendor specific commands from the computer directed toward the mass storage device, to determine whether the received vendor specific commands are intended for communicating with the emulated mass storage device or for communicating with the management device, and to utilize the received vendor specific commands for communicating with the management device in response to determining that the one or more vendor specific commands are intended for communicating with the management device. (as stated in par. 0064, par. 0063, lines 1-15, lines 1-4, par. 0062, lines 1-10, par. 0057, lines 1-4, and par. 0053, lines 1-15, wide range of **USB devices** and **virtual USB peripherals** could be **emulated** by the **IOP**, input output processor of the **remote server management controller** via the **USB interface**, **USB host controller**, **RS-232 interface**, **USB Ethernet controllers**, **SCSI controllers**, attached **storage devices**, **ATB unit**, **address translation bus** for **communicating** between plural **types of devices**. Users **commands** interpreted by remote server management controller may **establish "virtual USB peripherals"** that will be seen **recognized** and allow **communication** with any USB-aware OS on **managed servers**. **Remote server management controller's** I/O controller **monitors** and **controls** a wide range of **conditions** in the **managed server** and it-

self via the ***slave instrumentation module*** and the ***remote console redirection module***).

As to Claim 17, Neufeld anticipates system of Claim 16, wherein the first communication standard comprises the USB standard and wherein the second communication standard comprises the SCSI standard (as stated in par. 0065, lines 1-4 and par. 0062, lines 1-10, wide range of ***USB devices*** and virtual ***USB peripherals*** could be ***emulated*** by the input output processor of the ***remote server management controller*** via the ***USB interface, RS-232 interface, USB Ethernet controllers*** and ***SCSI controllers***. ***USB storage devices*** floppy drives and CD drives provide additional capability from a remote management point of view because the USB interface allows the ***remote server management controller*** to act as a host for hot-pluggable ***storage devices***. This capability allows remote server management controller to mount additional storage volumes to the managed server in an OS-independent fashion and ***hardware independent fashion***).

As to Claim 18, Neufeld anticipates system of Claim 17, wherein the emulated mass storage device comprises an emulated CD-ROM device on a USB communication link (as stated in par. 0065, lines 1-18, ***USB storage devices as*** floppy drives and ***CD drives*** provide additional capability from a remote management point of view because the ***USB interface*** allows the ***remote server management controller*** to act as a host for hot-pluggable ***storage devices***. This

capability allows remote server management controller to mount additional storage volumes to the managed server in an OS-independent fashion and **hardware independent fashion**).

As to Claim 19, Neufeld anticipates system of Claim 18, wherein the management device is further operative to utilize the received vendor specific commands to configure the management device (as stated in par. 0053, lines 1-15, **remote server management controller's** I/O controller **monitors** and **controls** a wide **range** of **conditions** in **managed servers** and it **self**, via the **slave instrumentation module** and the **remote console redirection module**.

As to Claim 20, Neufeld anticipates system of Claim 18, wherein in response to determining that the one or more vendor specific commands are intended for communicating with the management device, the management device is further operative to:

determine the coordinates of a user input cursor on a remote computer system (as stated in par. 0048, lines 1-10, In the operation of the remote management controller, the I/O processor periodically **reads** the **video graphics data** from the frame buffer to determine **cursor coordinates** and whether the **data** has **changed**);

and to return the coordinates in response to the received vendor specific commands (as stated in par. 0048, lines 1-10, If the **data** has **changed**, the I/O processor will compress the video graphics data and **transmit** the data to the

remote console via one of the communications devices, modem or NIC. The remote console will decompress and decode the data stream and **display** it at the **remote console** for viewing by the user and vice-versa).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Publication No. 20040059782 to Sivertsen, Clas Gerhard, US Publication 20050066000 to Liaw, Yee et al., and US Patent No. 6304895 to Schneider; Walter J. et al., are cited for reference but not taken into consideration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muktesh G. Gupta whose telephone number is 571-270-5011. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on 571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MG

/Taghi T. Arani/

Supervisory Patent Examiner, Art Unit 4121

12/14/2007